

REMARKS

I. Status of Claims.

Claims 1, 5, 7, 44, 50, 53-55, 59, 62, 63 and 65 are amended.

Claims 9-43 and 58 and 64 were previously withdrawn.

Claims 2, 3, 51, 52, 56, 57, 60 and 61 are canceled.

Claims 1, 4-8, 44-50, 53-55, 59, 62, 63 and 65 are being examined.

Claim amendments are supported by the original disclosure and do not introduce new matter.

II. Pending Claims Satisfy 35 U.S.C. §112, 1st Paragraph Written Description Requirement.

On page 3 of the Office Action, the examiner objects to the limitation “one or more conservative substitutions”. To expedite prosecution of this application, applicant has amended the claims to remove that limitation. Therefore, this rejection is now moot.

On page 4 of the Office Action, the examiner objects to the recitation of “a biologically active variant ...” limitation. Pending claims do not include this limitation and therefore this rejection is now moot.

Therefore, pending claims overcome the §112, written description rejections. Applicant requests withdrawal of the §112 written description rejections for claims 1, 4-8, 44-50, 53-55, 59, 62, 63 and 65. Claims 2, 3, 51, 52, 56, 57, 60 and 61 are canceled and therefore the written description rejections as to these claims are now moot.

III. Pending Claims Satisfy 35 U.S.C. §112, 1st Paragraph Enablement Requirement.

On page 6 of the Office Action, the examiner objects to the limitation “one or more conservative substitutions”. To expedite prosecution, applicant has amended the pending claims to remove that limitation.

On pages 6-7 of the Office Action, the examiner objects to the recitation of “a biologically active variant ...” limitation. Pending claims do not include this limitation and therefore this rejection is now moot.

Therefore, pending claims overcome the §112, enablement rejections. Applicant requests withdrawal of the §112 enablement rejections for claims 1, 4-8, 44-50, 53-55, 59, 62, 63 and 65. Claims 2, 3, 51, 52, 56, 57, 60 and 61 are canceled and therefore the enablement rejections as to these claims are now moot.

IV. Pending Claims are Non-Obvious Over O’Brien et al., (US 5,700,909) in View of Liu et al. (WO 98/33482) and Habberfield (US 2002/0099001).

On page 7 of the Office Action, the examiner rejects claims 1-8, 50-57, 59-63 and 65 under 35 U.S.C. §103(a) as being obvious over O’Brien et al., in view of Liu et al., and Habberfield et al.

On page 8, the Office Action acknowledges that applicant’s previous arguments with respect to saposin C-DOPS are persuasive. On page 9 of the Office Action, the examiner suggests overcoming the rejection by amending the claims to recite DOPS. Therefore, to expedite prosecution of this application, the pending claims are amended to include DOPS as the phospholipid. Applicant requests withdrawal of the §103(a) rejection.

V. Double Patenting Rejections.

On pages 9 and 10, the Office Action rejects the pending claims on the grounds of double patenting. Applicant hereby files terminal disclaimers to overcome the rejections over U.S. 6,872,406; U.S. Ser. No. 11/741,323; 12/445,707; and 12/332,809. Therefore, the double patenting rejections should be withdrawn.

VI. Claim Objections.

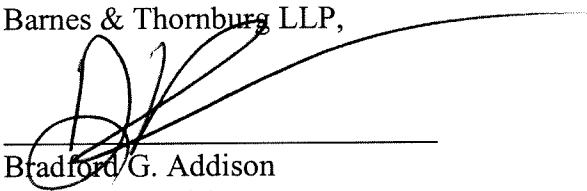
On page 9, the Office Action objects to claim 7. Claim 7 is amended to recite “at least 15 contiguous amino acids”. Support can be found at least in paragraph [00025] of the application as published. Objections to claims 44-49, 59-63 and 65 as being dependent from withdrawn claims are overcome by appropriate claim amendments.

In light of the amendments and remarks made herein, it is respectfully submitted that the claims currently pending in the present application are in form for allowance. Applicant welcomes the Examiner to contact their representative at 317-231-7253 to resolve any remaining issues.

The Commissioner for Patents is hereby authorized to charge any deficiency or credit any overpayment of fees to Barnes & Thornburg Deposit Account No. 12-0913, with respect to the Attorney Docket No. 51284-212664.

Respectfully submitted,

Barnes & Thornburg LLP,



Bradford G. Addison

Reg. No. 41,486

11 South Meridian Street

Indianapolis, IN 46204-3535

Tel: (317) 231-7253

Fax: (317) 231-7433